

MEMORANDUM

August 31, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: HAROLD G. BECKS, ESQ
Harold G. Becks & Associates

OWEN L. GALLAGHER
Principal Deputy County Counsel
General Litigation Division

RE: Elias Tasejo; Juan Tasejo, a minor by and through his Guardian Ad Litem, Elias Tasejo; Sulma Tasejo v. County of Los Angeles
Los Angeles Superior Court Case No. TC014240

DATE OF
INCIDENT: July 8, 2000

AUTHORITY
REQUESTED: \$195,000, Plus Assumption of the Medi-Cal Lien Not to Exceed \$3,585

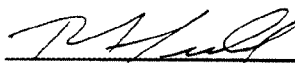
COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES


CLAIMS BOARD ACTION:

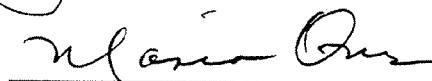
☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on October 4, 2004

SUMMARY

This is a recommendation to settle for \$195,000, the wrongful death lawsuit brought by Elias Tasejo (father), and Sulma Tasejo (mother) for the death of Dunia Tasejo, a minor, while hospitalized at King/Drew Medical Center on July 10, 2000. The State, having paid \$3,585 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On July 7, 2000, at 7:21 p.m., Dunia Tasejo, a 9-year-old girl, was seen at King/Drew Medical Center after having been struck by an automobile. Between 7:30 p.m., and 7:50 p.m., a breathing tube was inserted through Dunia's mouth, past the voice box to the breathing passages of the lungs (endotracheal intubation), and she was placed on a mechanical device for oxygenation of the blood (ventilator) in order to protect her airway and ensure continued normal breathing (respiration) while various diagnostic studies were performed. She was also sedated due to severe distress, and administered a paralyzing drug (Norcuron) to assist in the intubation procedure and to help control her agitation and combativeness.

At 8:50 p.m., 9:40 p.m., 10:40 p.m., and 11:10 p.m., Dunia Tasejo was given additional doses of Norcuron. An analysis of blood drawn at 11:42 p.m., indicated an excessive accumulation of carbon dioxide in Dunia's blood (respiratory acidosis), which is a sign of respiratory depression.

On July 8, 2000, at 12:16 a.m., despite evidence of respiratory depression and the continuing effects of Norcuron, Dunia's breathing tube was removed (extubation), and the ventilator that was used to support her respiration was discontinued.

At 1:15 a.m., Dunia was transferred to the Pediatric Intensive Care Unit (PICU). At approximately 2:20 a.m., it was noted that Dunia's breathing was abnormally shallow, and she was noted to have a severe slowing of her heartbeat (bradycardia). At 2:25 a.m., Dunia suffered a complete cessation of breathing and heart function (cardiopulmonary arrest). A call requiring immediate resuscitative efforts (code blue) was made. Restoration of heart and lung function using artificial respiration and manual closed chest compression (cardiopulmonary resuscitation [CPR]) was initiated, and she was resuscitated. However, Dunia suffered an extreme loss of oxygen (hypoxia), resulting in severe brain damage (hypoxic encephalopathy).

On July 10, 2000, at 6:09 p.m., Dunia died as the result of severe brain damage attributed to her previous cardiopulmonary arrest.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Elias Tasejo,	
Past Medical Expenses	\$ 34,529.88
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$125,000.00
Sulma Tasejo,	
Loss of Care, Comfort	
and Companionship (MICRA limit)	\$125,000.00
Funeral Expenses	\$ 8,000.00
Costs of Litigation	<u>\$ 20,000.00</u>
TOTAL	\$312,529.88

The proposed settlement includes:

Elias Tasejo,	
Loss of Care, Comfort	
and Companionship	\$ 55,800
Sulma Tasejo,	
Loss of Care, Comfort	
and Companionship	\$ 55,800
Funeral Expenses	\$ 8,000
Attorneys Fees (MICRA Estimate)	\$ 55,400
Costs of Litigation	<u>\$ 20,000</u>
TOTAL	\$195,000

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through August 20, 2004, are attorneys fees of \$52,800 and \$11,251 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$195,000
County Attorneys Fees and Costs	\$ 64,051
Medi-Cal Lien	<u>\$ 3,585</u>
TOTAL	\$262,636

EVALUATION

Medical experts will be critical that medical personnel failed to appreciate that Dunia was in an unstable condition after laboratory tests at 11:42 p.m., on July 7, 2000, indicated that she was suffering from respiratory acidosis. The premature extubation of Dunia's breathing tube at 12:16 a.m., on July 8, 2000, during a time in which she was still under the effects of a paralyzing drug, and her removal from mechanical ventilatory support, which had been used to maintain her respiration, contributed to her abnormally shallow breathing and bradycardia, resulting in her cardiopulmonary arrest and eventual death.

We join with our private counsel, Harold G. Becks & Associates, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$195,000, and payment of the Medi-Cal lien in the amount of \$3,585.

The Department of Health Services concurs in this settlement.

OLG